

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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UNITED STATES OF AMERICA

- against -

18 Cr. 143 (JGK)

WENDELL MITCHELL,

ORDER

Defendant.

JOHN G. KOELTL, District Judge:

The parties should inform the Court by the close of business **Tuesday May 14, 2019** with respect to the following items relating to the pre-sentence report for the defendant:

- (1) Should ¶ 39 be offense level 24, rather than 28?
- (2) Were the prior "substance abuse" convictions for the defendant under New York State law described in ¶¶ 51-52 categorically "substance abuse" convictions for purposes of the career offender guideline, § 4B1.1? See United States v. Townsend, 897 F.3d 66 (2d Cir. 2018).
- (3) Should the criminal history points in ¶ 51 be 3, rather than 2?

SO ORDERED.

Dated: New York, New York  
May 13, 2019



John G. Koeltl  
United States District Judge